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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,480	01/23/2004	Naohiko Otake	247954US6	4939
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER AMADIZ, RODNEY	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/762,480	Applicant(s) OTAKE ET AL.	
	Examiner Rodney Amadiz	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 4 recites the limitation "the ring of keys" in line 2. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret the claim as follows: "The information processing apparatus according to Claim 1, including a switch button configured to switch a direction of the display, and the said switch button is adjacent to the cursor key."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unruh (USPGPUB 2005/0162395—hereinafter Unruh) in view of Dow et al. (US Patent 7,038,717—hereinafter "Dow") and Nakae et al. (USPGPUB 2004/0166829—hereinafter "Nakae").

As to **Claim 1**, Unruh teaches an information processing apparatus (**Fig. 1, 1**), comprising: a display (**2**); a keyboard including alphanumeric keys (**3**) each allocated to one character in a first input mode (***the Examiner interprets the first input mode to be the telephone mode where number characters are used***); at least one cursor key (**Fig. 1, note up arrow and down arrow**) for selecting a word generated by a predetermined program (**See Figs. 10-13 and Pg. 6, ¶'s 74-75**); a common button (***space character***) functioning as a determination button for determining the word selected from candidates appearing on the display according to a number of times a selected alphanumeric key is pressed in a second input mode while the predetermined program is activated (**Figs. 7-13 and Pg. 5, ¶ 63 and Pgs. 5-6, ¶'s 71-75—note that the space character is used as the determination button. Also note that Unruh is silent as to the location of the space character**) wherein the cursor key is provided on a first side of the apparatus between the display and the keyboard (**Fig. 1, note position of arrow keys in relation to the display and keyboard**), and wherein at least one of the alphanumeric keys of the keyboard is allocated to more than one character in the second input mode (**Fig. 1, reference number 3 and Pg. 4, ¶' 60 and 61; the Examiner interprets the second input mode as the text mode**) and is provided on a second side of the apparatus opposite to the first side (**Fig. 1, note that the alphanumeric keys are on the second side (lower half) of the apparatus**).

Unruh fails to teach the common button also functioning as an activation button for activating a predetermined program. Examiner cites Dow et al. to teach a common button functioning both as an activation button for activating a predetermined program

and a determination button (**Fig. 1A, Reference Numbers 26, 34, 36 or 38 and Col.3, lines 37-45 and Col. 9, lines 27-40**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate button reuse as taught by Dow in the information processing apparatus taught by Unruh so that the apparatus may be faster and more convenient to use due to the lack of an enter button (**Dow et al.—Col. 9, lines 35-37**).

Unruh, as modified by Dow, fails to teach that the common button is provided on a first side of the apparatus between the display and the keyboard. Examiner cites Nakae to teach a program activation button (**Fig. 1A, 14c and 14g**) and determination keys (**14d**) located on a first side of the apparatus between the display (**13**) and the keyboard (**14f—See Fig. 1—note that both the activation keys 14c, 14g and determination keys 14d constitute a common key as described in the claim limitation**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to place the common button between the display and the keyboard as taught by Nakae in the information processing apparatus taught by Unruh and Dow, so as to make it convenient for the user to find and comfortable for the thumb to access.

As to **Claim 5**, Unruh teaches at least one auxiliary input key (**Fig. 1, Reference Number 3, Key 2**) configured to input a first character when the predetermined program is not activated (**inputs the character “2”**) and to input a second character when the predetermined program is activated (**inputs the characters “a”, “b’ or “c”**).

As to **Claim 7**, all of the claim limitations have been addressed with respect to Claim 1. ***(See Claim 1 and note that the combination of Unruh, Dow and Nakae yields the structure of Claim 7).***

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unruh, Dow and Nakae as applied to claims 1, 5 and 7 above, and further in view of Mak (USPGPUB 2004/0085289—hereinafter “Mak”).

As to **Claim 2**, Unruh, as modified by Dow and Nakae, fails to teach a pointing device configured to move a pointer appearing on the display in a desired direction, wherein the pointing device is adjacent to the common button. Examiner cites Mak to teach a pointing device ***(Fig. 3, joystick 310)*** configured to move a pointer ***(110)*** appearing on the display in a desired direction ***(Pg. 3, ¶’s 37-38)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include a pointing device as taught by Mak in the information processing apparatus taught by Unruh, Dow and Nakae, so as to obtain greater control of the pointer.

Unruh, as modified by Dow, Nakae and Mak, discloses that the pointing device is adjacent the common button, since the pointing device taught by Mak is located below the display ***(Mak—Fig. 3)*** and the common button is taught by Nakae to be between the display and the keyboard ***(Nakae—Fig. 1A)***.

As to **Claim 3**, Unruh teaches the at least one cursor key including a plurality of cursor keys ***(Unruh—Fig. 1, note “up” and “down” arrows)***. Unruh, as modified by Dow and Nakae; however, fails to teach the cursor keys arranged around a perimeter of

the pointing device and the common button is arranged outside a perimeter of the plurality of cursor keys. Examiner cites Mak to teach a plurality of cursor keys (**Mak—Fig. 3, 306a, 306b, 308a and 308b**) arranged around a pointing device (**Fig. 3, 310**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to arrange the cursor keys around the perimeter of the pointing device as taught by Mak in the information device taught by Unruh, Dow and Nakae in order to make it easier for the user to use the same finger to navigate the display.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Unruh, Dow and Nakae as applied to claims 1, 5 and 7 above, and further in view of Harada et al. (U.S. Patent 6,0726476—hereinafter “Harada”).

As to **Claim 4**, Unruh, as modified by Dow and Nakae, fails to teach a switch button configured to switch a direction of the display, wherein the switch button is adjacent to the cursor key. Examiner cites Harada to teach a switch button (**Fig. 9, Reference Number 65B**) configured to switch a direction of the display (**Col. 11, lines 19-30**), wherein the switch button is adjacent to a cursor key (**Fig. 9, note switch key 65B adjacent cursor key 80A**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a switch button as taught by Harada in the information processing apparatus taught by Unruh, Dow and Nakae in order to display an image in portrait or landscape (**Col. 13, lines 17-21**).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Unruh, Dow and Nakae as applied to claims 1, 5 and 7 above, and further in view of Shiono et al. (USPGPUB 2005/0188001—hereinafter “Shiono”) and Fleck et al. (U.S. Patent 6,977,811—hereinafter “Fleck”).

As to **Claim 6**, Unruh, as modified by Dow and Nakae, fails to teach a mouse button set, including a center button configured to scroll a screen appearing on the display; a left button configured to operate as a first function button; and a right button configured to operate as a second function button. Examiner cites Shiono to teach a mouse button set (*Fig. 3, Reference Numbers 23A-C*), including a center button configured to scroll a screen appearing on the display (*Fig. 3, Reference Numbers 23C and Pg. 2, ¶ 47*); a left button configured to operate as a first function button (*23A and Pg. 2, ¶ 47*); and a right button configured to operate as a second function button (*23B and Pg. 2, ¶ 47*). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a mouse button set as taught by Shiono in the information processing apparatus taught by Unruh, as modified by Dow and Nakae, in order to add functionality to the apparatus.

Unruh, as modified by Dow, Nakae and Shiono, also fails to teach that the mouse button set is located near an opposite end from the common button and the cursor key in an axial direction of a hinge pin between the display and the keyboard. Examiner cites Fleck to teach an information processing apparatus to teach that a mouse button set (*Fig. 3, 310 and 312*) is located at an opposite end from a hot button (*“desktop” button—similar to a common button*) and cursor keys (*302, 304, 306 and 308*) in an

axial direction of a hinge pin (***See Fig. 1***) between the display and the keyboard (***See Fig. 1***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to arrange the mouse button opposite the common button and cursor keys as taught by Fleck in the information processing apparatus taught by Unruh, as modified by Dow, Nakae and Shiono, in order to add functionality to the apparatus when using the left hand to operate the display (***Col. 6, lines 8-17***).

(Please note that although Unruh is described as a mobile phone that it is not limited only to mobile phones. Other devices such as PDA's and computers may be used (Unruh—Pg. 4, lines 1-6). Therefore the combination of Unruh with Fleck is appropriate.)

Response to Arguments

8. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schroeder et al.

U.S. Patent 5,797,098

Grover et al.

U.S. Patent 5,818,437

Schroeder et al.	U.S. Patent 6,405,060
Yu	U.S. Patent 6,556,841
Kraft et al.	U.S. Patent 6,744,423
Savolainen	USPGPUB 2002/0126097
Lo	USPGPUB 2004/0095327

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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